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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/670,293

09/26/2003

David Nevin

6446

7590

01/26/2005

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CANADA

EXAMINER

HUNNINGS, TRAVIS R

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JB

<b>Office Action Summary</b>	<b>Application No.</b> 10/670,293	<b>Applicant(s)</b> NEVIN, DAVID	
	<b>Examiner</b> Travis R Hunnings	<b>Art Unit</b> 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. The provisional filing date is not granted because the filing of the non-provisional application was not made within twelve (12) months of the filing date of the provisional application.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: element 36 in figures 2 and 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim R jections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 2 recites the limitation "the side-signal lights" in line 1. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 3 recites the limitation "the side-signal light kit" in line 1. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 4 recites the limitation "the side signal lights" in line 1, "the trailing edge" in line 2, "the fender" in line 2, "the connected electrical wires" in lines 2 and 3 and "the interior surface" in line 4. There is insufficient antecedent basis for these limitations in the claim.

8. Claim 5 recites the limitation "the side-signal lights" in line 1, "the distal ends" in claim 1 and "the existing signal light wires" in line 2. There is insufficient antecedent basis for these limitations in the claim.

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9. Regarding claim 5, the phrase "or such" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or such"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Eidelman (US Patent 5,255,164).

Regarding claim 1, Eidelman discloses *Safety Light Marker System For Motor Vehicles* that has the following claimed subject matters:

The claimed retro-fit side signal light kit for vehicles to attain the safety of a side-signal light that is relatively inexpensive is met by the Safety Light Marker System that is installed to the tops and/or sides of a motor vehicle or retrofitted into existing motor vehicles (col2 48-57).

Regarding claim 3, Eidelman discloses all of the claimed limitations. The claimed side-signal light kit being installed without the need for special tools or technical knowledge as per simple instructions enclosed is met by the Safety Light Marker System being retrofitted to existing motor vehicles (col2 48-57).

Regarding claim 5, Eidelman discloses all of the claimed limitations. The claimed side-signal lights being affixed with quik-clips or such on the distal ends so as to make easy connection with the existing signal light wires is met by the lights of the Safety Light Marker System being connected to the main electrical circuit of a motor vehicle using known electrical wire systems (col2 48-57).

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eidelman in view of Schmidt et al. (Schmidt; US Patent 6,685,349).

Regarding claim 2, Eidelman discloses all of the claimed limitations except for the claimed side-signal lights being affixed to a vehicle with an adhesive strip on the back side, to securely mount the lights to a vehicle without permanent

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damage or alteration. Schmidt discloses *Marker Light Module* that teaches affixing the light system to the side of a vehicle using an adhesive (col2 30-38). Modifying the device of Eidelman to use an adhesive would make the retrofit of the device easier. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Eidelman according to the teachings of Schmidt to use an adhesive substance to attach the signal light to the side of the vehicle.

Regarding claim 4, Eidelman discloses all of the claimed limitations except for the claimed side signal lights being affixed with a curved flange on the base, contoured so as to wrap around the trailing edge of the fender to extend the connected electrical wires to the interior surface of the fender and concealed from view. Schmidt teaches a side light signal system that is contoured to fit along the edge of a fender and provides for the wiring to be hidden from exterior view (figure 1). Modifying the device of Eidelman to appear like the device of Schmidt would make the design more desirable to consumers. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Eidelman according to the teachings of Schmidt to apply the signal lights along the edge of the fender and extend the wiring beneath the fender to keep it from view.

**Conclusion**

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hufner et al. *Side Lamp Usable As A Turn Signal...* US Patent 5,893,638

Jewell et al. *Vehicle Safety Light System*, US Patent 6,018,295

Pederson, *Strip LED Light Assembly For Motor...* US Patent 6,700,502

Lavicska, *Lamp/Heater For A Wheel Well In A...* US Patent 5,573,686

15. I have attached an appendix that will help to guide you through the process of amending your claims and filing the amendment with the office. Please take a look at the attached amendment and also the attached prior patents. When amending your claims take a look at the prior patents, specifically how their claims are written. It will help to give you an idea of the proper format to write the claims of your invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

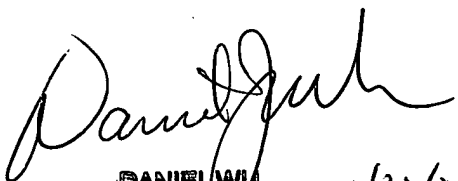
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRH



DANIEL WU  
SUPERVISORY PATENT EXAMINER 1/23/05